

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**Court Minutes**

**March 31, 2008**

**There are no minutes for this date.**

**April 1, 2008**

**MISC. ORDER 2008-005**

BY THE COURT:

Associate Justice Vance Raye is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 10.1004, 10.1012, and 10.1016, during the absence of the Presiding Justice from the court on April 3, and April 4, 2008, or until his return. (See Cal. Const., art. VI, §3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C054308      THE PEOPLE v. YOUNG      (Not For Publication)**

The order extending defendant's commitment is affirmed.

SIMS, J.

We Concur:    Blease, Acting P.J.  
                     Robie, J.

**C055768      THE PEOPLE v. MOLAISON      (Not For Publication)**

The judgment is affirmed.

BLEASE, J.

We Concur:    Scotland, P.J.  
                     Nicholson, J.

**C056098      THE PEOPLE v. CROWELL      (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Scotland, P.J.  
                     Sims, J.

**C052105      DEPARTMENT OF CORPORATIONS v.      (Not For Publication)  
CALIFORNIA STATE PERSONNEL BOARD;  
FORREST**

The judgment is affirmed. The Department of Corporations shall recover its costs on appeal. ...

SIMS, Acting P.J.

We Concur:    Morrison, J.  
                     Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

2

**Court Minutes**

**April 1, 2008 continued**

**C054262      MICHAELINA ORTEGA, a Minor, etc.      (Certified For Publication)**  
**v. SACRAMENTO COUNTY DEPARTMENT OF**  
**HEALTH AND HUMAN SERVICES et al.**

The judgment is affirmed. The parties shall bear their own costs on appeal. ...

SIMS, J.

We Concur:    Blease, Acting P.J.

Robie, J.

**C055095      MONTGOMERY v. HARWOOD, JR.      (Certified For Publication)**

The trial court ruling is reversed. The matter is remanded with instructions to the trial court to order Earl Bruce Harwood, Jr., to pay Anne E. Montgomery her remaining share of the proceeds from the family residence pursuant to the terms of the judgment, \$19,924.84, plus legal interest as determined by the trial court. Wife is awarded her costs on appeal. ...

SIMS, Acting P.J.

We Concur:    Nicholson, J.

Hull, J.

**C055540      In re A.S.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HELATH AND HUMAN**  
**SERVICES v. M.S.**

The judgment (order terminating parental rights) is affirmed.

CANTIL-SAKAUYE, J.

We Concur:    Raye, Acting P.J.

Butz, J.

**C055056      CALIFORNIA CONSUMER HEALTH      (Certified For Partial Publication)**  
**CARE COUNCIL, INC., et al.**  
**v. CALIFORNIA DEPARTMENT OF**  
**MANAGED HEALTH CARE et al.**

THE COURT:

The opinion in the above-entitled matter filed on February 29, 2008, was not certified for publication in the Official Reports. For good cause it now appears that the opinion should be partially published in the Official Reports and it is so ordered.

BY THE COURT:

RAYE, Acting P.J.

Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**Court Minutes**

**April 1, 2008 continued**

**C055420      THE PEOPLE v. ERWIN**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
BLEASE, Acting P.J.

**April 2, 2008**

**C054692      THE PEOPLE v. COLLINS      (Not For Publication)**  
The judgment is affirmed. The trial court shall prepare an amended abstract of judgment as directed in this opinion and forward the amended abstract to the Department of Corrections and Rehabilitation.  
HULL, J.  
We Concur: Davis, Acting P.J.  
Nicholson, J.

**C055320      THE PEOPLE v. MALLONEE      (Not For Publication)**  
The judgment is modified to remove the monthly probation costs and drug testing costs. As modified, the judgment is affirmed.  
ROBIE, J.  
We Concur: Davis, Acting P.J.  
Butz, J.

**C055867      THE PEOPLE v. MCCLURE      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Nicholson, Acting P.J.  
Butz, J.

**C052211      HI-VOLTAGE WIRE WORKS, INC.      (Not For Publication)**  
**v. HERMAN; EIDSON**  
The judgment is reversed, and the cross-appeal is dismissed as moot. the motions for sanctions filed by Herman and Eidson are denied. Herman shall recover costs on appeal.  
RAYE, J.  
We Concur: Scotland, P.J.  
Robie, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**Court Minutes**

**April 2, 2008 continued**

**C056206      In re PRISCILLA W.; SACRAMENTO      (Not For Publication)**  
**COUNTY DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. LISA W. et al.**

The juvenile court's orders are affirmed.  
SCOTLAND, P.J.

We Concur:    Blease, J.  
                    Hull, J.

**C056768      In re M.M. et al.; SACRAMENTO      (Not For Publication)**  
**COUNTY DEPARTMENT OF HEALTH AND**  
**HUMAN SERVICES v. LOUIE M.**

The juvenile court's order is affirmed.  
RAYE, Acting P.J.

We Concur:    Butz, J.  
                    Cantil-Sakauye, J.

**April 3, 2008**

**C051282      THE PEOPLE v. BEARD      (Not For Publication)**

The judgment is modified to reflect a restitution fine of \$10,000 and a probation revocation fine of \$10,000. In all other respects, the judgment is affirmed. The trial court is directed to amend the abstracts of judgment to reflect these modifications and to forward certified copies of the amended abstracts to the Department of Corrections and Rehabilitation.

HULL, J.

We Concur:    Morrison, Acting P.J.  
                    Cantil-Sakauye, J.

**C054626      THE PEOPLE v. REYNALDO      (Not For Publication)**

The judgment is affirmed.  
MORRISON, J.

We Concur:    Sims, Acting P.J.  
                    Cantil-Sakauye, J.

**C056436      THE PEOPLE v. MARTIN      (Not For Publication)**

The judgment is affirmed.  
MORRISON, J.

We Concur:    Raye, Acting P.J.  
                    Butz, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**Court Minutes**

**April 3, 2008 continued**

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|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| <b>C056486</b> | <b>THE PEOPLE v. POLIQUIN</b><br>The judgment is affirmed.<br>MORRISON, J.<br>I Concur: Davis, Acting P.J.<br>I Concur in the result:<br>Cantil-Sakauye, J.                                                                                                                                                                                                                               | <b>(Not For Publication)</b>       |
| <b>C056977</b> | <b>THE PEOPLE v. KESSEE</b><br>The judgment is affirmed.<br>MORRISON, J.<br>We Concur: Sims, Acting P.J.<br>Cantil-Sakauye, J.                                                                                                                                                                                                                                                            | <b>(Not For Publication)</b>       |
| <b>C057229</b> | <b>THE PEOPLE v. PERKINS, JR.</b><br>The judgment is affirmed.<br>MORRISON, J.<br>We Concur: Sims, Acting P.J.<br>Cantil-Sakauye, J.                                                                                                                                                                                                                                                      | <b>(Not For Publication)</b>       |
| <b>C051744</b> | <b>CAPITOL RACING v. CALIFORNIA<br/>HORSE RACING BOARD; LOS<br/>ALAMITOS QUARTER HORSE RACING<br/>ASSOCIATION et al.</b><br>The judgment is reversed, with directions to dismiss the petition as barred<br>by Business and Professions Code section 19463. Costs on appeal are awarded<br>to real parties. ...<br>NICHOLSON, Acting P.J.<br>We Concur: Morrison, J.<br>Cantil-Sakauye, J. | <b>(Certified For Publication)</b> |
| <b>C055682</b> | <b>In re DYLAN P.; SACRAMENTO COUNTY<br/>DEPARTMENT OF HEALTH AND HUMAN<br/>SERVICES v. JOSEPH Y.</b><br>The juvenile court's orders are affirmed.<br>SCOTLAND, P.J.<br>We Concur: Sims, J.<br>Raye, J.                                                                                                                                                                                   | <b>(Not For Publication)</b>       |

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

6

**Court Minutes**

**April 3, 2008 continued**

**C055982      In re B.H.; SACRAMENTO COUNTY      (Not For Publication)**  
**DEPARTMENT OF HEALTH AND HUMAN**  
**SERVICES v. R.W. and T.H.**

The order terminating parental rights is reversed conditionally, and the matter is remanded to the juvenile court with directions to that court to consider all notices to and responses from United Keetoowah Band of Cherokee Indians and determine whether additional notice to that tribe is required. If it is required, and after proper and complete notice, that tribe determines the minor is an Indian child as defined by ICWA, then the juvenile court is ordered to conduct a new Welfare and Institutions Code section 366.26 hearing in conformity with all provisions of ICWA. If, on the other hand, the court determines no further notice is required, or if no response is received or the tribe determines the minor is not an Indian child, then the juvenile court shall reinstate all previous findings and orders.

MORRISON, J.

We Concur:    Sims, Acting P.J.  
                    Cantil-Sakauye, J.

**April 4, 2008**

**C053380      THE PEOPLE v. BARTHOLOMEW      (Not For Publication)**

The judgment is affirmed.

BUTZ, J.

We Concur:    Raye, Acting P.J.  
                    Morrison, J.

**C053698      THE PEOPLE v. LIGGINS      (Not For Publication)**

The judgment is affirmed.

ROBIE, J.

We Concur:    Scotland, P.J.  
                    Nicholson, J.

**C054365      THE PEOPLE v. CORREA      (Certified For Partial Publication)**

The trial court shall prepare an amended abstract of judgment to reflect that defendant was convicted in count twelve of a violation of Penal Code section 496d, subdivision (a) and not section "406."

BUTZ, J.

We Concur:    Sims, Acting P.J.  
                    Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

7

**Court Minutes**

**April 4, 2008 continued**

- C056813      THE PEOPLE v. GAUNA      (Not For Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We Concur: Scotland, P.J.  
Morrison, J.
- C052530      PRINCE et al. v. SUTTER      (Certified For Publication)**  
**HEALTH CENTRAL et al.**  
The judgment is affirmed. Plaintiffs shall pay Sutter's and Stevenson's costs of this appeal.  
MORRISON, J.  
We Concur: Nicholson, Acting P.J.  
Butz, J.
- We Concur: Sims, Acting P.J.  
Cantil-Sakauye, J.
- C055450      SMITH v. DUNHAM et al.      (Not For Publication)**  
The judgment is affirmed.  
BLEASE, Acting P.J.  
We Concur: Butz, J.  
Cantil-Sakauye, J.
- C056185      In re J.T.; SAN JOAQUIN COUNTY      (Not For Publication)**  
**HUMAN SERVICES AGENCY v. C.C.**  
The order terminating parental rights is affirmed.  
SCOTLAND, P.J.  
We Concur: Sims, J.  
Robie, J.